

Town of Milton
Board of Adjustment
Minutes
May 24, 2005

Members Present:

John Collier	Marion Jones	Joan Martin-Brown	Matt Dotterer
Paul Camenisch			
Town Members:	Eric Evans		

John Collier opened the meeting. Mr. Collier introduced the application from Joseph Wise. He is requesting a variance from the Municipal Code of the Town of Milton, Article 5, Section 5.1 (Density Control Table) minimum side yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum side yard setback from ten (10) feet to one point six (1.6) feet. The property is located at 208 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-97.00.

Mr. Wise proceeded to explain his request. He would like to place a carriage house style accessory building on his property and locate it where the previous building was located prior to it falling down. His structure is to be two accessory building attached by the roof. One for car/storage and on for a workshop. Mr. Collier asked the applicant to explain the structures. Mr. Wise stated the back structure would be a wood shop. Mr. Camenisch asked if the concrete floor was being removed. Mr. Wise stated he was removing it and putting down a small pebble stone. This is to keep it more authentic. The shop will have reclaimed lumber for the floor at a later time. Mr. Camenisch asked if the structure was going to be placed where the existing pad was. Mr. Wise stated he was. Mr. Dotterer asked if plumbing was going to be installed. Mr. Wise stated no to the plumbing. Mr. Camenisch stated the applicant should have taken out a demo permit.

Paul Camenisch stated he approves the variance. John Collier stated he approves the variance request based on the building being placed on the same footprint; he will meet the rear setback as required and with the condition that an as built survey is completed to verify the setback. Matt Dotterer stated he approves the variance request as long as no plumbing is to be installed and the as built is to be provided. Marion Jones stated to approve the variance with the conditions so stated. The previous structure was non-conforming also.

Mr. Collier introduced the application from Kathleen Sperl-Bell. She is requesting two variances from the Municipal Code of the Town of Milton. Item one is from Article 5, Section 5.1 (Density Control Table) minimum side yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum side yard setback from ten (10) feet to five (5) feet and item two is from Article 5, Section 5.2 (Corner Lots) minimum front yard on side street in all districts. The applicant is requesting a reduction in the minimum side street setback from fifteen (15') feet to four point six (4.6') feet. The property is located at 422 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-32.00.

Mr. Bill Bell proceeded to explain the request. The original structure of the house will be maintained but the add on will be removed and an addition would then be added on to have the

house to keep the house square. The garage will be offset a little to keep it off the property line the same as the house. The current house does not sit on the lot square so as it runs deep it gets closer to the property line. Mr. Collier asked if the new addition was going to maintain the current line as the house? Mr. Bell stated the garage would stay within the line of the back corner of the house addition. Mr. Collier stated the current survey stated the house at 5.9 feet from the property line does this mean you intend to make the addition larger than the current structure? Mr. Bell stated no. The house does not set square and he just wants to extend the existing line back. Mr. Camenisch asked if the current distance is 5.9 and you want to extend the distance back would you not become closer to the property line? Mr. Bell stated yes and that is why we are asking for 5 feet. Mr. Camenisch and Mr. Dotterer stated if you project back 42 feet you would be closer than 5 feet. Mr. Bell stated he and his foreman went out and staked it out and projected the distance and the best he could figure it would be 5 feet. Mr. Camenisch and Mr. Dotterer stated if the projection were 42 feet it would be closer than 4 feet. Mr. Collier asked should the board ask for a plot for the fiscal placement of the house. If we grant a 4.6-foot variance and he's closer what recourse do we have? Mr. Camenisch stated in any other town you would be required to tear it down. Mr. Collier stated the projection of the distance for the side setback needs to be more accurate. If you are requesting 5 feet the best guess is not satisfactory. Having this information being brought to light Mr. Collier feels the application should be tabled until a survey is completed plotting the addition on the property. It was further discussed the distance that would be required and it was the Board's consensus that a survey should be completed plotting the addition on the property.

The Minutes from the previous meeting were read and approved.

Historic Preservation Board

The applicant James Brown is requesting an exterior building permit for 304 Federal Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-57.00 which is located in the Historic Overlay District. Member Joan Martin-Brown recused herself.

Mr. Brown explained they would like to install a window in the rear of the house. There currently is no window located there because when the house was built there was located behind the house a couple mills. The view is very nice and we would like to be able to see it from the room. Having been provided with the appropriate data and information the window appears to be in style with the rest of the house and John Collier did not have a problem with the additional window. Marion Jones stated the same. The remainder of the Board agreed.

The applicant Joseph Wise is requesting a building permit for 208 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-97.00 which is located in the Historic Overlay District.

Mr. Wise proceeded to explain his design of the carriage house accessory building. He would like to make the structure look like the 1800's style. Discussion took place in the material, style, size and look. After the discussion the property owner and the Board had Matt Dotterer make the changes to the master print to show the style of the window and front of the building. Having been provided with the appropriate data and information The Board agreed to grant the construction as shown on the master print located in the property file.

The applicant Kathleen Sperl-Bell is requesting an exterior building permit for 422 Chestnut Street further identified by Sussex County Tax Map and Parcel numbers 2-35-20.07 32.00 which is located in the Historic Overlay District.

Not reviewed at this time.

The Board of Adjustment was then closed.

Marion Jones

Jackie Artis

Joan Martin-Brown

Paul Camenisch

Larry Savage

John Collier

Matt Dotterer